

October 28, 1998

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND RECOMMENDATION

SUBJECT: Department of Development and Environmental Services
File Nos. **L98RZ003 & L98VA003**
Proposed Ordinance No. 98-595

WETLANDS VETERINARY HOSPITAL
Rezone and Variance Applications

Location: 12811 – 164th Avenue Southeast

Applicant: **Debra A. Scheuerman**
3834 NE 6th Street
Renton, WA 98056-3941

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve, subject to conditions
Department's Final:	Approve, subject to conditions
Examiner:	Approve, subject to conditions

PRELIMINARY MATTERS:

Application submitted:	February 24, 1998
Complete application:	April 10, 1998

EXAMINER PROCEEDINGS:

Hearing Opened:	October 10, 1998
Hearing Closed:	October 10, 1998

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Sensitive area protection
wetlands
- Setbacks and lot coverage

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner adopts and incorporates herein by this reference the Findings, Conclusions and Recommendation made by the Land Use Services Division as set forth in its Preliminary Report to the King County Hearing Examiner for the October 22, 1998, public hearing. Copies of the said report will be attached to the copies of this report submitted to the County Council.

ORDERED this 28th day of October, 1998.

James N. O'Connor
King County Hearing Examiner

TRANSMITTED this 28th day of October, 1998, to the parties and interested persons listed below.

King Conservation District
King County Envir Health Division
Kenneth Marshall
Joyce Mitchell
Gerald Robertson
Debra A. and Jeff Scheuerman

Nick Gillen
Aileen McManus
Paulette Norman
Sherie Sabour
Steven C. Townsend

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before November 12, 1998**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before November 18, 1998**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if

actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE OCTOBER 22, 1998, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NOS. L98RZ003 and L98VA003 - DEBRA A. SCHEUERMAN REZONE AND VARIANCE APPLICATIONS.

James N. O'Connor was the Hearing Examiner in this matter. Participating at the hearing were Sherie Sabour, representing the County; Debra Scheuerman, Jeff Scheuerman, and Gerald Robertson.

The following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 Department of Development and Environmental Services File Nos. L98RZ003 and L98VA003
- Exhibit No. 2 Department of Development and Environmental Services preliminary report dated October 22, 1998
- Exhibit No. 3 Application dated February 24, 1998
- Exhibit No. 4 Environmental checklist dated February 15, 1998
- Exhibit No. 5 Declaration of Nonsignificance dated August 25, 1998
- Exhibit No. 6 Affidavit of Posting indicating September 21, 1998, as date of posting and October 2, 1998, as the date the affidavit was received by the Department of Development and Environmental Services
- Exhibit No. 7 Site plan dated February 24, 1998
- Exhibit No. 8 Land Use Map - N/A
- Exhibit No. 9 Assessors maps NE 14-23-5, NW 13-23-5, SE 11-23-5 and SW 12-23-5
- Exhibit No. 10 Wetland Special Study dated February 1998
- Exhibit No. 11 Conceptual Wetland Mitigation Plan dated February 1998